

RIVER HILL OVERLOOK, LLC

*

BEFORE THE

Petitioner

*

PLANNING BOARD OF

PLANNING BOARD CASE NO. 404

*

HOWARD COUNTY, MD

* * * * *

DECISION AND ORDER

On June 19, 2014, the Planning Board of Howard County, Maryland, in accordance with Section 107.0.F. of the Howard County Zoning Regulations, opened a public hearing to consider the petition of River Hill Overlook, Limited Liability Corporation, for approval of a Preliminary Equivalent Sketch Plan, (SP-14-001), for the subdivision of 8 single-family detached (SFD) residential lots and 4 open space lots on approximately 5.01 acres of land zoned R-ED (Residential Environmental Development). The subject property is located on the east side of Trotter Road, north of Summer Sunrise Drive, on Tax Map No. 35, Grid No. 14, Parcel No. 66, in the Fifth Election District of Howard County, Maryland.

The Notice of the Hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made part of the record in this case. Pursuant to the Planning Board's Rules of Procedure, all of the reports and official documents pertaining to the Petition, including the petition, the Technical Staff Report of the Department of Planning and Zoning, the Howard County Code, the Howard County Design Manual, the 2030 General Plan of Howard County, Howard County Zoning Map, Howard County Zoning Regulations, Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations and Manual, the Howard County Landscape Manual, the Adequate Public Facilities Ordinance and the subdivision plan and the comments from the Subdivision Review Committee agencies were made part of the record in this case.

PLANNING BOARD HEARING

The Chairperson opened the public hearing at 7:25 p.m. Brenda Luber of the Department of Planning and Zoning (DPZ) presented the Technical Staff Report, which recommended approval of the Preliminary Equivalent Sketch Plan subject to compliance with all Subdivision Review Committee (SRC) comments previously issued for SP-14-001 to the developer by letter dated March 10, 2014. A Planning Board member asked general questions about the use-in-common driveway turnaround and open space lots which the staff answered.

PETITIONER'S TESTIMONY

The Petitioner was represented by Mrs. Stephanie Tuite, professional engineer for Fisher, Collins and Carter, Incorporated, the petitioner's plan consultant. Mrs. Tuite acknowledged agreement with the DPZ staff report recommendation. She testified that the residential lots would be served by a shared use-in-common access driveway and that an area would be provided for vehicles to turn around.

Please note that there were no concerned citizens that testified in opposition to this case.

Mr. Santos closed the hearing at approximately 7:40 p.m. and the Board proceeded to deliberate and vote on the case in open session. The Planning Board members in attendance motioned for a vote in this case.

After careful evaluation of all the testimony and information presented at the hearing, the Howard County Planning Board made the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The proposed Preliminary Equivalent Sketch Plan, SP-14-001, River Hill Overlook, is for the subdivision of 8 SFD residential lots and 4 open space lots. The total overall density permitted and proposed for the entire project is 8 lots.

2. This project is subject to compliance with the Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations and Manual, the Howard County Landscape Manual, the Howard County Zoning Regulations and Zoning Map, the Howard County Design Manual and the Adequate Public Facilities Ordinance.
3. The area of the proposed subdivision plan is approximately 5.01 acres. The area of credited open space is approximately 2.52 acres or 50.0 percent of the site.
4. The proposed overall residential development effectively protects, preserves and minimizes disturbance to the environmental resources. The developer proposes open space acreage that complies with the minimum acreage required. The open space will contain the areas of floodplain, streams, environmental buffers, protected 25 percent or greater steep slopes and will contain forest conservation easements. The environmental resources will be preserved and protected within an open space area (1.686 acres) that will be dedicated to the Howard County Department of Recreation and Parks. The development plan does not propose disturbance within any environmentally sensitive areas and the remaining 0.84 acre open space lots will be dedicated to the Homeowners Association.
5. The total limit of disturbed area for the proposed development including the shared use-in-common driveway access easement, public utilities, off-site utility connection, house pad sites for building lots and storm water management facilities will involve approximately 2.57 acres. The proposed development will not involve disturbances of any protected 25% or greater steep slopes, floodplain, stream or required buffers.
6. The subdivision plan accomplishes protection of environmental and historic resources by the following means:
 - a. There are no historic structures or resources on this property;
 - b. By clustering the residential SFD units to minimize disturbance.

- c. The proposed houses, driveways, utilities and small storm water management facilities will be located on land that does not contain environmental features.
 - d. By keeping the proposed lots sizes close to the minimum lot size requirements with a range of 10,495 to 16,801 square feet;
 - e. By providing 50.0 percent open area on-site which meets the minimum 50 percent open space requirement.
7. The proposed subdivision plan design has been determined adequate in taking advantage of the uniqueness of the site's topography by minimizing the limits of clearing and grading necessary to construct houses, the shared access drive, SWM facilities and public utilities.
8. Setbacks, landscape buffers, or other methods are proposed to buffer the development from existing roads. Compliance with the required 75' setback and providing the required landscape buffer and retaining existing vegetation will adequately buffer the proposed development from the surrounding neighborhood adjoining Trotter Road. The proposed SFD units will not back towards Trotter Road thus complying with the scenic road guidelines.
9. Sensitive environmental areas will be permanently protected, either by dedication as open space or forest conservation easements. The floodplain, stream and 25 percent or greater steep slopes will be located and protected within an open space lot. A row of evergreen trees will be retained along the northern and southern property boundaries to provide screening to the neighboring properties. In areas where existing plantings may be devoid, supplemental plantings will be provided.
10. The proposed development will be served by public water and sewer.
11. The Planning Board accepts the Department of Planning and Zoning's evaluation of the petition as provided in the Technical Staff Report.

CONCLUSIONS OF LAW

The proposed Preliminary Equivalent Sketch Plan, SP-14-001, satisfies all of the standards for approval of a Preliminary Equivalent Sketch Plan provided in Section 107.0.F. of the Howard County Zoning Regulations for the reasons stated in the Department of Planning and Zoning's Technical Staff Report.

For the foregoing reasons, the petition of River Hill Overlook, LLC for approval of a Preliminary Equivalent Sketch Plan for 8 SFD residential lots and 4 open space lots located on approximately 5.01 acres of land zoned R-ED, is the 26th day of June, 2014, APPROVED by the Planning Board of Howard County.

HOWARD COUNTY PLANNING BOARD

Absent

Josh Tzucker, Chairperson

Bill Santos

William Santos, Vice Chairperson

Jacqueline Easley

Jacqueline Easley

Phil Engelke

Phil Engelke

Absent

Erica Roberts

ATTEST:

Marsha McLaughlin
Marsha McLaughlin
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR

Paul T. Johnson
Paul Johnson
Deputy County Solicitor

LIST OF APPLICANT'S EXHIBIT

There were no exhibits.

LIST OF PROTESTANT'S EXHIBITS

There were no protestants or exhibits.